

1 JUDGE FRANKLIN D. BURGESS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR05-5469FDB
9)
10 Plaintiff,) ORDER GRANTING STIPULATED
vs.) MOTION TO CONTINUE TRIAL
11) DATE
12 KAMSATH NOY BUTH,)
13 Defendant.)
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15 Based on the stipulated motion of the parties to continue the trial date, and the
16 affidavit of defense counsel in support of the motion, the Court makes the following
17 findings of fact and conclusions of law:

18 1. The ends of justice served by granting this continuance outweigh the best
interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
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20 2. Proceeding to trial absent adequate time for the defense to prepare would
result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).
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22 3. The defense needs additional time to explore issues of some complexity,
including all relevant issues and defenses applicable to the case, which would make it
23 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself
24 within the time limits established by the Speedy Trial Act and currently set for this case.
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26 18 U.S.C. § 3161(h)(8)(B)(ii).

4. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

NOW, THEREFORE,

IT IS HEREBY ORDERED that the trial date is continued from August 15, 2005 to November 14, 2005, at 9:00 am. The resulting period of delay from August 15, 2005, to November 14, 2005, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

Pre-trial motions are due no later than August 15, 2005.

Pre-trial conference shall be on November 4, 2005, at 1:30 pm.

DONE this 15th day of July, 2005.

/s/ Franklin D Burgess
JUDGE FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

Presented By:

/s/ Colin A. Fieman
Colin A. Fieman
Attorney for Defendant

/s/ Kent Y. Liu
Kent Y. Liu
Assistant United States Attorney